

UNITED STATES DISTRICT COURT
for the
Middle District of Alabama

United States of America

v.

DIAMOND MATHIS

Date of Original Judgment: 02/12/2020

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 2:19cr298-02-MHT

USM No: 72598-019

Preston L. Presley

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion for sentence reduction (Doc. 145) is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____ .
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Even setting aside the potential disqualification for the use of violence in connection with the offense noted in U.S.S.G § 4C1.1(a)(3), the defendant is still not due relief as the sentence received pursuant to a variance is less than the minimum of the amended guideline range of 78 to 97 months. According to U.S.S.G. § 1B1.10(b)(2), the court shall not reduce the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) to a term that is less than the minimum of the amended guideline range but for SA.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 03/20/2024

/s/ Myron H. Thompson

Judge's signature

Effective Date: _____
(if different from order date)

MYRON H. THOMPSON, UNITED STATES DISTRICT COURT

Printed name and title